



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

December 20, 2000

**VIA FACSIMILE AND US MAIL**

Stephen J. Kaufman  
Smith Kaufman LLP  
601 S Figueroa Street, 41<sup>st</sup> Floor  
Los Angeles, CA 90017-5758

RE: MUR 5153  
Friends of Barbara Boxer and  
Michael Ohleyer, as treasurer

Dear Mr. Kaufman:

This is to confirm the message left with your office on Tuesday, December 19, 2000. We have received your response to the Commission's finding of reason to believe in MUR 5153. We appreciate your response, and we will consider the statements contained therein. In order to properly consider this response, we do require further factual support for some of the issues you raised.

First, we need a fuller explanation of the political action committee contributions directly to the Committee that you claim were received on October 14, 1998, but erroneously reported as received on October 15, 1998. This explanation could be in the form of an affidavit or letter from the Committee or contributing committees stating that the contributions were in fact received on October 14, 1998.

Second, we have concerns about the explanation of the \$3,222.77 in-kind contribution from Handgun Control PAC. The response apparently contains a typographical error in the date the Committee received notice of the in-kind contribution. The date given is November 30, 2000. This is more than two years after the 1998 general election, and the Committee reported this contribution in its original 1998 Post-General Election Report. We would appreciate clarification of this matter.

Third, the claim that the Committee became aware of this in-kind contribution after the 48-hour notice period requires further factual support. We need the letter informing the Committee of the transformation of this expense into an in-kind contribution, or an affidavit from

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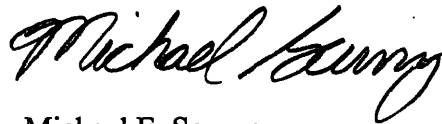
the Committee or the contributing committee stating that the Committee became aware of this in-kind contribution after the passage of the 48-hour notice period.

Finally, we have concerns about the section of the response addressing joint fundraising. The response alludes to confusion within the Commission regarding the proper reporting of joint fundraising contributions and conflicting advice to the regulated community. We would appreciate clarification of your understanding of this confusion within the Commission and the conflicting advice given to the regulated community. Also, did the Committee seek advice from the Commission regarding the proper reporting of the contributions received through joint fundraising? If so, when did this occur and what advice was given? The response also goes into detail regarding the time of processing the joint fundraising contributions. Please provide more information regarding the time of processing the contributions received through Boxer/Davis Victory '98 and Women's Victory Fund.

Please provide the requested information as soon as possible, but in any event, no later than the close of business on January 5, 2001.

If you have any questions, please contact me at (202) 694-1650.

Sincerely,



Michael E. Scurry  
Attorney

21-04-405-0986